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# HOW THE UNITED STATES CURTAILS FREEDOM OF THOUGHT

By ERNEST CROSBY

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## HOW THE UNITED STATES CURTAILS FREEDOM OF THOUGHT.

BY ERNEST CROSBY.

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As I write these lines, a British subject is occupying a narrow cell, a veritable cage of steel bars, on Ellis Island in New York Harbor. Two guards watch him constantly and accompany him during his hours of exercise. He is forbidden to receive visitors or speak to strangers, and he can only consult his counsel in the presence of his jailers. He is, in short, treated like a convicted felon; but, as a matter of fact, he is not a felon. He came to this country on his own legitimate business, a few months ago; and, during the weeks which he was allowed to spend at large, he carefully observed our laws and customs. He is a man of some standing at home, for he is an "organizer" of the "National Amalgamated Union of Shop Assistants, Warehousemen and Clerks," a society which counts, I believe, many thousands of members. But, notwithstanding his altogether respectable behavior and position in society, he was suddenly arrested in New York by agents of the Federal Department of Commerce and Labor, and hurried away to his cell. No regular court intervened and there was no judicial process involved, but the whole matter was managed by the Secretary of Commerce and his subordinates. The Habeas Corpus proceeding, which was dismissed by Judge Lacombe, from whose decision the prisoner has appealed, can only touch the question of the jurisdiction of the Department of Commerce and the constitutionality of the act under which it is acting. It cannot in any way review the order of the Secretary nor correct his errors of fact or law, for this important official alone has to be "satisfied" of the facts, and it is his duty to enforce the law "under such rules and regulations as he shall prescribe." He is thus constituted policeman, prosecuting officer, judge, jury and

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executioner, and from his decision no appeal lies. This kind of procedure recalls the English "Star Chamber." In Russia, it is known as "administrative process," and it has become notorious under that name; and it was called "*lettre de cachet*" in France before the fall of the Bastile. Some of us have fondly supposed that in America, at least, it was altogether foreign and obsolete.

The charge made against Mr. John Turner is, that he is an alien unlawfully in the United States, in that he is an "anarchist" within the meaning of the act of Congress of March 3rd, 1903, entitled "An Act to regulate the immigration of aliens into the United States." Section 2 of this act provides that, among others, the following aliens shall be excluded from admission to our shores, namely, "anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials." It might be supposed that the latter part of this clause was intended as a definition of what an "anarchist" really is; but Section 38 of the same act destroys this presumption, by explicitly excluding from the country any person "who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining or teaching such disbelief in or opposition to all government." It thus appears that the ban falls upon all disbelievers in government, as well as upon those who advocate the use of violence in realizing their disbeliefs.

What then is an "anarchist," within the meaning of this highly stringent law? The full definition of the word is given as follows in the "Century Dictionary":

"Anarchist, (1) properly, one who advocates anarchy or the absence of government as a political ideal; a believer in an anarchic theory of society, especially an adherent of the social theory of Proudhon; (2) in popular use, one who seeks to overturn by violence all constituted forms and institutions of society and government, all law and order, and all rights of property, with no purpose of establishing any other system of order in the place of that destroyed; especially, such a person when actuated by mere lust of plunder; (3) any person who promotes disorder or excites revolt against an established rule, law or custom."

It appears from the above definition that it is only in "popular use" that the term "anarchist" has any connection with violence, and that, "properly," it signifies merely a man who cherishes a

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certain political ideal. This position is sustained by Professor Huxley, who writes as follows in his "Essay on Government":

"Anarchy, as a term of political philosophy, must be taken only in its proper sense, which has nothing to do with disorder or with crimes; but denotes a state of society, in which the rule of each individual by himself is the only government the legitimacy of which is recognized. Anarchy, as thus far defined, is the logical outcome of the form of political theory which for the last half-century and more has been known under the name of Individualism."

A comparison of these "proper" and "popular" definitions shows that the word "anarchist" may mean several distinct things, and that it is, consequently, a very vague word to be thus used for the first time in a statute without any attempt at precise definition. But let us suppose that it was intended to deport any kind of an anarchist, within the meaning of any of the definitions, and let us see where the supposition will lead us.

The best known anarchist of the day is Prince Peter Kropotkin, one of the most distinguished of living men of science, and shown by his own autobiography (though unconsciously and with all modesty) to be one of the noblest and most self-sacrificing of philanthropists. Next to him in fame comes the French anarchist, Elisée Réclus, the first of contemporary geographers, and a man so tender-hearted that he has written one of the strongest appeals against the slaughter of animals for food, from the standpoint of humanitarianism. England offers an asylum to one of these men and treats him with honor, while the other lives peaceably in Belgium; but the American Republic shuts them out. Henrik Ibsen, one of the glories of Scandinavia, and the foremost dramatist of the time, must be included with these men. In a letter to Georg Brandes, the Danish critic, he writes:

"The State is the curse of the individual. . . . Away with the State! I will take part in that revolution. Undermine the whole conception of a State, declare free choice and spiritual kinship to be the only all-important conditions of any union, and you will have the commencement of a liberty that is worth something."

Count Leo Tolstoy, of course, shares these views to the uttermost, and it is unnecessary to quote from the numerous passages in which he condemns government, root and branch. He claims for himself the title of Christian, and it is the opinion of many

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that he approaches more nearly to the Master in his life than other professing Christians. However this may be, the term "Christian anarchist" is not uncommon, and no less an authority than Renan seems to justify it in his "Life of Jesus." He says:

"In one view, Jesus was an anarchist, for he had no notion of civil government, which seemed to him an abuse, pure and simple. . . . Every magistrate seems to him a natural enemy of the people of God. . . . His aim is to annihilate wealth and power, not to grasp them."

It is not necessary to agree with Renan in his judgment for the purposes of my argument. He was certainly a man of great mental powers, and if he held to-day the position of Secretary of Commerce in our government and Jesus Christ came to our shores, he would be obliged, by the law and his estimate of the facts, to deport the Founder of Christianity in sight of a hundred spires erected in His name.

It would be easy to quote from other foreign teachers and writers,—from Herbert Spencer, for instance, whom the world is now mourning as perhaps the greatest of modern thinkers, and who said: "We cannot choose but admit the right of the citizen to adopt a condition of voluntary outlawry," and much more to the same effect; from Lamennais, from Guizot, from Wilhelm von Humboldt and others (including Proudhon himself, who is named by the "Century Dictionary" as the founder of anarchism and is described, in a laudatory article in the "Encyclopædia Britannica" as "one of the most remarkable figures of modern France," devoted to the "moral ideas" of "justice, liberty and equality")—to prove that anarchism has found a place in the dreams of the highest authorities abroad; but let us turn to our own country. This Act of March 3rd, 1903, while not aimed at American citizens principally, brings them in incidentally; for Section 38 provides a fine of not more than five thousand dollars, or imprisonment for not less than one nor more than five years, or both, for any person who invites a foreign "anarchist" to enter the country or assists him so to do. In principle, indeed, there is no reason why we should discriminate between foreign and domestic thinkers; and, if anything, the latter, by reason of their knowledge of the temper of the country, are the more dangerous. The Constitution may stand in the way of attacking native an-

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archists for their beliefs, but it can be circumvented by interpretation; and, besides, constitutions are subject to amendment. Doubtless, the possibility of the deportation of visitors on account of their beliefs or disbeliefs never presented itself to the framers of that instrument, or they would have considered the free thought of foreigners at least as sacred as the free speech of citizens, and this latter they were careful to guard. Let us suppose that the Act of March 3rd extended to citizens, and let us examine the opinions of some of our own illustrious dead, and determine if anarchism is, as men usually suppose, a foreign article which can be stopped at the frontier.

William Lloyd Garrison is one of the heroes of the conflict with slavery,—I should be inclined to say the chief hero,—and his statue stands to-day in the streets of Boston, the mark of the esteem in which we hold his memory. He anticipated to the full, over sixty years ago, Count Tolstoy's views of the immorality of government by force. At the Peace Convention, held at Boston, in 1838, he drew up a “Declaration of Sentiments,” which was adopted, and which he regarded as more important than the Declaration of Independence. The spirit of disbelief in government pervades this paper, from which I quote the following:

“As every human government is upheld by physical strength and its laws are enforced virtually at the point of the bayonet, we cannot hold any office which imposes upon its incumbent the obligation to compel men to do right on pain of imprisonment or death. We therefore exclude ourselves voluntarily from every legislative and judicial body, and repudiate all human polities, worldly honors and stations of authority.”

This declaration combines with its anarchism the loftiest Christian sentiments. If Garrison were living to-day, and a foreigner of less than three years' standing in this country, he would have to be deported. The case against Thoreau is even clearer, for he dares to say:

“That government is best which governs not at all, and when men are prepared for it, that will be the kind of government which they will have.”

Thoreau must get into the prison-van alongside of Garrison. And here is another American whose language points in the same direction:

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"I am glad to see that the terror at disunion and anarchy is disappearing. Massachusetts, in its heroic days, had no government, was an anarchy. Every man stood on his own feet, was his own governor, and there was no breach of peace from Cape Cod to Mount Hoosac."

These are the words of Ralph Waldo Emerson, taken from an address on "Affairs in Kansas," delivered at Cambridge in 1856. Let them move up and make place for Emerson in the Secretary's "Black Maria!" And now an illustrious statesman must join this distinguished group of exiles,—no less a man than the author of the Declaration of Independence, and the third President of the United States. It was Thomas Jefferson who wrote:

"Were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greater evil, one who has seen both conditions of existence would pronounce it to be the last."

And again:

"Societies exist under three forms sufficiently distinguishable. (1) Without government, as among our Indians; (2) under government where the will of every one has a just influence. . . . (3) under governments of force. . . . It is a problem not clear in my mind that the first condition is not the best."

He considers that condition, however, impossible for a large population.

Surely, the language of all of these great Americans "advocates the absence of government," or at least goes to prove that the speaker was an advocate of it in his thoughts. Logically, they must be excluded from the Land of Freedom.

But even those who advocate government are not always respectful to the principle. Mr. Charles Nordhoff may fairly be taken as an exponent of the popular idea of government, for his "Politics for Young Americans" is the recognized handbook on the subject in our schools. Here is his teaching:

"Governments are necessary evils. Their necessity arises out of the selfishness and stupidity of mankind."

It is quite possible, then, that the anarchist, who "advocates the absence of government as a political ideal," agrees with the orthodox school in everything except the "necessity" of an admitted evil, or, in other words, hopes for the final overthrow of

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human "selfishness and stupidity." This may be foolish, but it is hardly a crime. Should we deport men for their optimism? And it is a fact, as Mr. Jefferson suggests when he refers to the Indians, that many of our fellow men have lived happily without government. Dr. Alfred Russel Wallace writes thus in his "Malay Archipelago":

"I have lived with communities of savages, in South America and in the East, who have no laws or law-courts but the public opinion of the village freely expressed. Each man scrupulously respects the rights of his fellows, and any infraction of those rights rarely or never takes place. In such a community, all are nearly equal. There are none of those wide distinctions, of education and ignorance, wealth and poverty, master and servant, which are the product of our civilization. There is none of that widespread division of labor, which, while it increases wealth, produces also conflicting interests; there is not that severe competition and struggle for existence or for wealth which the dense population of civilized countries inevitably creates. All incitements to great crimes are thus wanting, and petty ones are suppressed, partly by the influence of public opinion, but chiefly by that sense of justice and his neighbors' rights which seems to be in some degree inherent in every race of men."

It may be an idle dream to hope to combine the advantages of barbarism and civilization, but it cannot be a sin, and the dreamer need not be a public enemy; for among such dreamers have been found the saviors and leaders of the race.

Still, it is true that awful crimes have been committed in the name of this belief. But cannot crimes be committed in any cause? The massacre of Saint Bartholomew, the tortures and *auto-da-fes* of the Inquisition, were committed in the name of Christianity, and with the honest intention of furthering the interests of the religion of love to God and neighbor. The Reign of Terror was inaugurated on behalf of fraternity, and the Crucifixion was ordered in the name of religion and morality. Are we for this reason to condemn Christianity and fraternity and morality? Should we not rather draw a sharp line between a man's beliefs and the method which he adopts to realize them? Here, again, we must make a distinction. A man may in the abstract "believe in the overthrow by force or violence" of governments, without being in the slightest degree a dangerous character. Most Americans who travel in Russia or Turkey would be delighted to have the tyranny of Tzar or Sultan upset by force; but

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we are permitted, none the less, to enter those countries, and it would be considered barbarous to require from us a declaration that we "believed in," or rather that we "did not disbelieve in," their peculiar governmental systems. All men, except non-resistants of the Tolstoyan type (who are anarchists within the definition of the "Century Dictionary"), believe in the right of revolution when government becomes unbearable, and no forum has ever been established for the determination of the proper minimum point of insupportability except the individual conscience of the rebel and the jury of posterity.

It is a mistake, then, to attack a man's beliefs or disbeliefs in this, that or any kind of government, and also his abstract belief or disbelief in the right of revolution. The crime which our legislators had before their minds was the definite and distinct crime of assassination of rulers. The men whom they wished to exclude were those who preach or practise assassination. Why, then, did they not say so in so many words? It might still be a question of expediency whether it would not be wiser to admit even such men, as England does, and to restrict our action to crimes committed or advocated on our own territory, for by this policy England has escaped all anarchistic crime. But there would be nothing shocking to the moral sense in excluding men who preach assassination, as there certainly is in shutting out mere idealists. To confuse the crime of method with the mental ideal of the criminal, is a stupid error against which all the lessons of history rise in protest, and for the descendants of Puritans, Quakers, Huguenots, Baptists, Jews and democrats, who came to America for the express purpose of believing what they pleased, to turn about now and shut out others on account of their beliefs is an astounding performance.

Apart from the folly and injustice of attacking abstract beliefs, there is also the insuperable difficulty of proof. What does a man believe? Half the time he does not himself know, and if he is endowed with an active mind he is likely to change his beliefs from year to year. Then, too, he will be tempted to lie about them to escape punishment, and the exasperation caused to the authorities by his apparent wilful refusal to tell the truth about a matter known only to himself, will before long bring the rack and thumb-screw into use again, in some form, perhaps, less crude, but none the less barbarous. Our army has become proficient in

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the torture of the water-cure, and at home the “sweat-box” and dark cell have been used to the same purpose. When beliefs become the legitimate field of juridical investigation, these methods will have to be practised, for there are no other adequate methods of probing a man’s mind. We bought the Philippine Islands for twenty million dollars. Is it possible that the Holy Spanish Inquisition was thrown in into the bargain? But, besides inviting torture, the opening of the door to proof of beliefs gives new and unequalled opportunities to the spy and informer. How can I disprove a belief attributed to me by a professional liar? Deportation can be ordered under the Act of March 3rd, 1903, during three years after the arrival of the immigrant. What a field for blackmail is thus provided! The young farmer has set up his home in the West and sown his second crop. He and his wife and children are busy learning to become good American citizens, when suddenly the informer drops upon them, and brings up some chance word, dropped, perhaps, by the immigrant on the steamer which brought him over,—a word possibly misunderstood, misconstrued, wrested from its true meaning, or even invented and made out of whole cloth,—and he must pay hush-money to the spy or be sent back to his old home, his hopes wrecked forever.

It is a fact that an unusual number of atrocious crimes against the persons of kings and rulers have been committed in recent years, and that many of them were committed by anarchists. Not all, however, by any means. Such crimes have been most frequent in Russia, and there the assailants have usually been merely democrats or constitutionalists. In England, these crimes have been confined to Irish nationalists, whose only political creed was separation from England. In the United States, three Presidents have been assassinated—the first by a Democrat and Confederate, the second by a Republican, and the third only by an anarchist. Each of these assassins was an American born, and educated in our schools,—a fact which might induce us to judge more leniently of foreign immigrants. But, after making allowance for the many crimes of this nature attributable to non-anarchists, there remain a number of peculiarly shocking ones committed by adherents of anarchism. It becomes, then, a matter of importance to determine how best to prevent such crimes in future. To shut out “beliefs” is not only unjust, undesirable and inexpedient, but it is impossible. Beliefs spring up uncen-

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sored and uncensorable in the mind of every one of our eighty millions of population, and most Americans do not arrive by way of Ellis Island. Booth and Guiteau and Czolgosz were native products, and could not be deported whence they came. Then, again, beliefs travel by mail more effectively than by steerage, and unless you examine every letter, book and newspaper that enters our ports, you cannot shut out the beliefs which they express. You may, however, by passing rigid statutes against idealists, tempt cranks who sympathize with them to perform some overt act of violence, for nothing makes a class so dangerous as to proscribe it. The large meeting held at Cooper Union in New York to protest against the deportation of Turner has been widely criticised as tending to encourage violence. Nothing could be farther from the truth. The deportation itself was calculated to suggest violence in reprisal, but the establishment of the fact that there were a considerable number of "respectable" citizens ready to consider the wrongs even of anarchists,—nothing, surely, could do more than that to restore to an equilibrium the unbalanced minds of some members of that fraternity.

We are face to face with a peculiar symptom of an obscure public distemper, and it cannot be cured by such crude methods as deportation. The subject calls for the most careful study of statesmen, penologists, economists and educators. What is it that produces crimes against rulers? We seem to understand the matter clearly in Russia, and there we ascribe the trouble directly to the governing class. Abolish autocracy and absolutism, we say, and say rightly, and the revolutionist's bomb will disappear. In Ireland, we have no great difficulty in forming a diagnosis either. England has misruled that country for centuries, we declare, and she has only reaped what she has sown. Here, again, we trace the disorder back to a national wrong. What was the cause of the three American assassinations? Booth's crime was clearly one of the results of the Civil War. It was the war-spirit, which we took no pains to exorcise, that turned him into a murderer. Guiteau was an extreme expression of political strife and hatred, the direct offspring of Stalwart and Half-Breed rivalry. Czolgosz was no less truly the product of his times. The war-spirit was abroad again. Revenge had been preached as a public virtue, and war deliberately chosen by the nation in preference to diplomacy as the proper instrument of progress. Again the awful crimes of

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individuals seem to hark back to a national cause; they are sporadic expressions of a general infection. And our rulers are preaching the same doctrines in our name to-day, and, so far as we support them, we are responsible for the results. A government which assassinates one sister-republic in the Philippines and vivisects another in South America, which bombards defenceless villages in Samoa, killing women and children, in a cause afterwards pronounced by an impartial tribunal to be absolutely unjust, such a government is setting an example of anarchy in the worst sense of the word.

Political crimes, then, appear in some way to arise from national pathological conditions; they are exhibitions of individual lunacy growing out of a popular craze. The anarchist assassin is, to all intents and purposes, insane, and he is doing all he can to injure his own cause. Longing for a world good enough to dispense with policemen, prisons and electric chairs, he does his best to prove by his act the impracticability of his dream. It is really Czolgosz who is shutting Turner out of America, and if he had been in control of his senses he might have foreseen the consequences of his act, by which he made government stronger and discredited his own beliefs. His act was an insane one, but no man can be insane alone, for none of us lives to himself, and every man is, and must be, a social symptom. There is a public madness of the war-spirit, a delirium of national pride and power, a general fever of money-getting, which in some peculiarly distorted mind may take the form of unreasoning revolt against all these things. The strenuous life has many shapes, and it may be practised by devils as well as angels.

If there is any truth in this reasoning, the proper cure for criminal anarchism lies in the direction of the cultivation of national sanity. The European countries which produce the greatest number of assassins are military-mad. They are busy pauperizing themselves and exhausting the healthy blood of their people in the insane rivalry of armaments. The Italian statesman who would send three-fourths of the army back to their homes and sink nine-tenths of their men-of-war in the Mediterranean, would go a long way toward stopping the production of political criminals. Our national disease shows the greatest congestion and inflammation in the region of the dollar. The mad race to increase wealth beyond all possibility of enjoyment, the crazy antics of

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the Stock Exchange,—we must study these things, before we can prescribe for the nation. Our lunatic asylums are ever growing; more and more men and women commit suicide each year; nervous prostration is becoming the rule rather than the exception. How far is the dollar-cult responsible for all this? Excessive wealth must find an outlet for investment, and hence the craving for the isles of the sea, and for armies and navies and bloodshed; and who can wonder if here and there a distracted individual goes off, like a stray revolver, the wrong way, and kills a fellow citizen instead of a foreign foe?

The anarchist will not cease to be a danger,—(one of many, many dangers),—until we set up healthy ideals in the market-place, in Wall Street and at Washington. We need not preach love for neighbor,—that is, perhaps, asking too much; but we ought to insist, at least, upon a wholesome regard for his rights. It has been suggested that we now love him too much like the traditional lover,—we love the very ground he treads upon,—which is a good enough reason for taking it from under his feet. We should respect his liberties, and, as we only need love him as ourselves, we should respect our own liberties too. It is hard to preserve liberty in a land where the money-bag is supreme and where it can count upon the mailed hand of war to carry out its behests. And yet freedom was our first love and in our younger and healthier days the love of it coursed in our veins. All liberty involves a risk, but then it is often a risk worth taking. And all repression involves risks too, and these risks are so much less noble and alluring! Freedom presupposes strength and courage, but we are becoming cowardly in our old age, and are afraid to allow men to land upon our shores who dare to “disbelieve” in our institutions or to criticise them.

It is, perhaps, unlikely that we shall soon return to our old-time devotion to freedom. So be it. But, in that case, let us stop talking about it. Let us clear ourselves of cant and cease to be hypocrites. Let us take down the beautiful statue of “Liberty Enlightening the World,” that brazen lie, which now casts its beams upon Ellis Island and its prison, and let us put up in its place an ogre of iron, grasping a gnarled and knotted club, and casting its baleful shadow upon the immigrant,—an image no longer of Liberty Enlightening, but of Despotism Darkening, the World.

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